

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JUAN GABRIEL RODRIGUEZ DILONE,
Defendant.

15-CR-547 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant Juan Gabriel Rodriguez Dilone is serving a 120-month sentence following his 2015 conviction for conspiracy to commit murder for hire and use of a firearm during and in relation to a crime of violence. Proceeding *pro se* and citing the “Treaty Transfer Act,” Defendant requests that he be allowed to serve the remainder of his sentence in his home country, the Dominican Republic. (*See* Dkt. No. 30.) The Government has filed a letter opposing Defendant’s motion. (*See* Dkt. No. 31.)

As the Government correctly points out, the applicable federal statute permits transfers of inmates under the International Prisoner Transfer Program only “when a treaty providing for such a transfer is in force” with the relevant country. 18 U.S.C. § 4100(a). However, the United States does not have such a treaty with the Dominican Republic. Defendant’s request to be transferred to the Dominican Republic to complete his sentence therefore must be denied.

Defendant also addresses the COVID-19 pandemic, pointing out that the facility where he is incarcerated, FCI Oakdale, has been particularly hard hit by the disease, with over 200 positive cases and at least eight deaths. In his letter, Defendant does not request compassionate release pursuant to the First Step Act. If he wishes to make a request for release under the First Step Act, he must first submit such a request to the warden of his facility. *See* 18 U.S.C.

§ 3582(c)(1)(A) (a court may reduce a sentence for “extraordinary and compelling reasons” upon a defendant’s motion “after . . . the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility”).

Accordingly, Defendant’s motion for release to the Dominican Republic pursuant to the International Prisoner Transfer Program is denied.

SO ORDERED.

Dated: August 26, 2020
New York, New York



J. PAUL OETKEN
United States District Judge

COPY MAILED TO PRO SE PARTY BY CHAMBERS:

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